

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 48

BY TRANSPORTATION AND DEFENSE COMMITTEE

AN ACT

RELATING TO EMINENT DOMAIN; AMENDING SECTION 7-718, IDAHO CODE, TO
PROVIDE FOR REASONABLE AND NECESSARY COSTS AND ATTORNEY FEES
IN CERTAIN PROCEEDINGS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 7-718, Idaho Code, be, and the same is hereby amended to
read as follows:

7-718. COSTS AND FEES. (1) Costs may be allowed or not, and, if allowed, may be
apportioned between the parties on the same or adverse sides in the discretion of the court.

(2) Reasonable and necessary costs and attorney fees may be allowed in condemnation
and inverse condemnation proceedings, but only if the judgment awarded to the plaintiff, as a
result of trial, exceeds by ten percent (10%) or more, the highest written offer of settlement
submitted by the acquiring agency to the owner at least thirty (30) days prior to trial.